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Preservation of Evidence related to Facebook case in the Federal Court for the Western District of New York.

1 message

Dean Boland <dean@bolandlegal.com>

Wed, Nov 23, 2011 at 9:34 PM

To: inquiries@jeffparmet.com

Cc: Alexander Southwell <asouthwell@gibsondunn.com>, Oren Snyder <osnyder@gibsondunn.com>, Paul Argentieri <paul.argentieri@gmail.com>

Mr. Parmet:

I am counsel for Paul Ceglia in a lawsuit in which Facebook and Mark Zuckerberg are defendants. I am aware that you, at one time, created mirror image copies of several computers as part of your involvement in the ConnectU v. Facebook, Zuckerberg case. I am also aware that your handling of those forensic copies is governed by a court order in that case.

That order seems to indicate that eventually, although it has possibly already happened, those forensic copies are to be "erased" and/or "scrubbed" as the order states it. However, one of the legal issues in play in the Ceglia lawsuit now pending in the Federal Court for the Western District of New York, is evidence of electronic communication between Ceglia and Zuckerberg.

To that end, I am inquiring whether it is now futile for Mr. Ceglia to seek preservation of those forensic copies of hard drives you originally created in the ConnectU case as they have already been "erased" or "scrubbed" by you or your agents, employees, etc. per the court's order. Or, are those forensic copies still intact awaiting some further action or court order, etc. before you will feel authorized to "erase" or "scrub" them per the order?

Please advise as it my client's belief there is relevant and discoverable evidence related to his case on those forensic copies and he will be filing a Motion for a Temporary Restraining Order in some fashion to attempt to preserve that evidence.

Thank you.

Dean Boland.

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Dean Boland

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Please note, I typically only review my emails once daily. If there is something urgent in any email, please do not hesitate to contact my office at [216-236-8080](tel:216-236-8080).
